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5 UNITED STATES BANKRUPTCY COURT  
6 FOR THE  
7 EASTERN DISTRICT OF VIRGINIA  
8 ALEXANDRIA DIVISION  
9

10 NAZIRA URREGO

11 PLAINTIFF,

12 Vs.

13 BANK OF NEW YORK MELLON,  
14 SAMUEL WHITE P.C GREEN TREE  
15 SERVICING L.L.C. BBW L.L.C.  
16 SELECT PORTFOLIO  
17 SERVICING.  
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19 DEFENDANTS,  
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Case NO. 12-10909

DEBTORS MOTION FOR ORDER  
OF SANCTIONS AND  
JUDGEMENT AGAISNT ALL THE  
CREDITORS

US BANKRUPTCY COURT  
ALEXANDRIA DIVISION

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FILED

25 Debtor Nazira Urrego moves for an order of sanctions and judgement  
26 agaisnt all the creditors listed above. Since they refuse to remedy their  
27 willful ongoing discharge injunction violation.  
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DEBTORS MOTION FOR ORDER OF SANCTIONS AND JUDGEMENT AGAISNT ALL THE CREDITORS -

Specifically, Samuel White P.C. violates the discharge order and order avoiding lien by continuing to harass debtor after bankruptcy with collection attempts and threats to enforce lien rights against debtor's home

Debtor has tried to resolve this matter directly with the creditors on numerous occasions and has been unable to do so. Debtor has informed creditors of the discharge order and order avoiding its mortgage lien repeatedly over the phone and in writing but the harassment continues.

Therefore, the debtor seeks the court to grant her motion for sanctions and judgement against the creditors.

### **BACKGROUND**

1. On February 13, 2012, the debtor mentioned herein filed a voluntary petition under Chapter 13 with her council Nathan Fisher.

1 On that same date, the debtor also filed a certificate of credit counseling  
2 along with her petition and with the assistance of her bankruptcy attorney  
3 Nathan Fisher.  
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7 2. Thereafter on January 28, 2016 the debtor received a discharged  
8 against all the creditors listed in the bankruptcy pursuant to code 11 U.S.C.  
9 1328 (A).  
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12 3. The debtor seeks sanctions and judgement be imposed on all creditors  
13 listed above for violation of the discharged order.  
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16 4. Notice of the certificate of discharges was sent out to each and every  
17 creditor therefore there was no justification or pretext for the creditors to not  
18 concede in accordance to the discharge order.  
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23 **JURISDICTION AND VENUE**  
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26 The Court has subject matter jurisdiction over this proceeding pursuant to  
27 28 U.S.C. §§ 157 and 1334 and the General Order of Reference from the  
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1 United States District Court for the Eastern District of Virginia dated August  
2 15, 1984. A proceeding to prosecute a violation of the discharge injunction  
3 is a core proceeding under 28 U.S.C. § 157(b)(2)(A). See Budget Serv. Co.  
4 v. Better Homes of Virginia, Inc., 804 F.2d 289, 292 (4th Cir. 1986).  
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8 Accordingly, the Court has the authority to enter a final order subject under  
9 28 U.S.C. § 158. Venue is appropriate in this Court pursuant to 28 U.S.C. §  
10 1408.  
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22 **ANALYSIS**  
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26 1. Section 524(a)(2) of the Bankruptcy Code imposes an injunction after the  
27 issuance of the discharge order “against the commencement or  
28 continuation of an action, the employment of process, or an act, to collect,

DEBTORS MOTION FOR ORDER OF SANCTIONS AND JUDGEMENT AGAISNT ALL THE CREDITORS -

1 recover or offset any such debt as personal liability of the debtor, whether  
2 or not discharge of such debt is waived.” With respect to dischargeable  
3 debts, the discharge injunction serves to replace the automatic stay.  
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7 2. Any behavior which would constitute a violation of the discharge  
8 injunction once the stay has expired. See *In re Mickens*, 229 B.R. 114, 117  
9 (Bankr. W.D. Va. 1999) (citing *in re Holland*, 21 B.R. 681, 688 (Bankr. N.D.  
10 Ind. 1982)). a violation of the discharge injunction may be prosecuted for  
11 contempt of court, and appropriate sanctions  
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19 may be awarded. See *In re Jones*, 367 B.R. 564, 567 (Bankr. E.D. Va.  
20 2007); *In re Gates*, Case No. 04-12076, Adversary Proceeding No. 04-  
21 1240, 2005 Bankr. LEXIS 2034, at \*11 (Bankr. E.D. Va. May 10, 2005);  
22 *Cherry v. Arendall* (*In re Cherry*), 247 B.R. 176, 186–87 (Bankr. E.D. Va.  
23 2000).  
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#### 28 Authority to Enforce the Discharge Order

1 Section 105 of Title 11 empowers bankruptcy courts to issue orders and  
2 judgments as necessary to enforce § 524's discharge order provisions.  
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4 Bankruptcy courts also possess inherent powers to sanction wrongful  
5 practices, so long as the sanctions don't contravene express Code  
6 provisions. *Law v. Siegel*, 134 S. Ct. 1188, 1194 (2014).  
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### 18 **Legislative History**

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20 Legislative history demonstrates that the purpose of the discharge order  
21 was to "eliminate any doubt concerning the effect of the discharge as a  
22 total prohibition on debt collection efforts." H.R. Rep. No. 95-595, at 365-66  
23 (1977), as reprinted in 1978 U.S.C.C.A.N. 5963, 6321. The discharge  
24 injunction "is intended to ensure that once a debt is discharged, the debtor  
25 will not be pressured in any way to repay it. In effect, the discharge  
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1 extinguishes the debt, and creditors may not attempt to avoid that.” Id. at  
2 366 (emphasis added).  
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### 18 **Sanctions for Contempt**

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21 A willful violation of the discharge order entitles aggrieved debtors to  
22 compensatory sanctions including actual damages, mild coercive  
23 sanctions, and reimbursed fees and costs. Knupfer v. Lindblade (In re  
24 Dyer), 322 F.3d 1178, 1197 (9th Cir. 2003); In re Segal, BAP No. CC-14-  
25 1175-KuPaTa, pg. 19 (9th Cir. BAP Jan. 29, 2015).  
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2 A debtor is entitled to recover compensation for emotional harm resulting  
3 from a discharge violation, even in the absence of any economic loss. In re  
4 Feldmeier, 335 B.R. 807, 813-814 (Bankr. D. Or. 2005) (awarding  
5 emotional harm damages under section 524 without any economic loss); In  
6 re Culpepper, 481 B.R. at 655 (same).  
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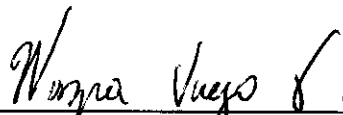
## 17 18 CONCLUSION

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21 All the creditors listed above should be imposed sanctions and judgment  
22 And held guilty of violating the discharge injunction. Debtor should be fairly  
23 compensated for the harm caused by the creditors harassment.  
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DECEMBER 3, 2018

  
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NAZRA URREGO

I certify that on the 5 day of December, 2018, I served true and accurate copies of the foregoing document on the following persons,

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